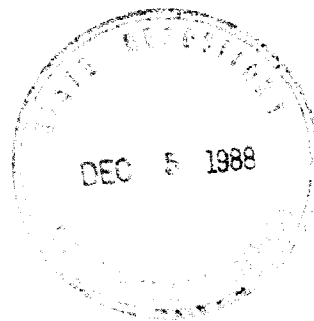


IN THE COURT OF APPEALS OF MARYLAND

IN RE: CERTIFICATION OF NEEDS FOR ADDITIONAL  
JUDGEShips FOR FISCAL 1987



TO: The President of the Senate  
The Speaker of the House of Delegates

FROM: Robert C. Murphy, Chief Judge

DATE: January 16, 1986

## TABLE OF CONTENTS

### Certification Letter

Exhibit A	Statistical Analysis, Administrative Office of the Courts
Exhibit B-1	Comments of Circuit Administrative Judge, First Judicial Circuit
Exhibit B-2	Comments of Circuit Administrative Judge, Second Judicial Circuit
Exhibit B-3	Comments of Circuit Administrative Judge, Third Judicial Circuit
Exhibit B-4	Comments of Circuit Administrative Judge, Fourth Judicial Circuit
Exhibit B-5	Comments of Circuit Administrative Judge, Fifth Judicial Circuit
Exhibit B-6	Comments of Circuit Administrative Judge, Sixth Judicial Circuit
Exhibit B-7	Comments of Circuit Administrative Judge, Seventh Judicial Circuit
Exhibit B-8	Comments of Circuit Administrative Judge, Eighth Judicial Circuit
Exhibit C	Comments of Chief Judge, District Court of Maryland



ROBERT C. MURPHY  
CHIEF JUDGE  
COURT OF APPEALS OF MARYLAND  
COURTS OF APPEAL BUILDING  
ANNAPOLIS, MARYLAND 21401

January 16, 1986

Hon. Melvin A. Steinberg  
President of the Senate  
State House  
Annapolis, Maryland 21401

Hon. Benjamin L. Cardin  
Speaker of the House  
State House  
Annapolis, Maryland 21401

Re: Judgeship Needs -- Fiscal Year 1987

Gentlemen:

In accordance with established procedures, I submit herewith my certification as to the need for additional judgeships for Fiscal Year 1987. After careful study of all the information available to me, I believe that no additional judgeships should be created during the 1986 Session of the General Assembly. I state this position fully realizing that in many areas of the State, court dockets are extremely overcrowded and judicial strength is tested to its maximum limits.

Before providing details as to my reasons for not requesting any new judicial positions next year, please permit me to summarize our annual review process. As in the past, the Administrative Office of the Courts has prepared a statistical analysis of the workload and performance of our circuit courts. By applying a workload measure to case filings projected through Fiscal 1987 and by applying other statistical data, preliminary indications are made as to where additional judgeships may or may not be needed. (A copy of the Analysis, Exhibit A, is attached for your review and consideration.)

The preliminary analysis is distributed to the eight circuit administrative judges who are encouraged to submit their own views as to the needs for judges (see attached Exhibits B-1 through B-8). These views are shared in some instances with other circuit court judges, bar associations, and legislators, as well as local governmental officials.

Hon. Melvin A. Steinberg  
Hon. Benjamin L. Cardin  
Page 2.  
January 16, 1986

Finally, after reviewing the statistical analysis and the responses of the administrative judges, certification is prepared.

As of July 1, 1985, there were 219 judicial positions authorized in Maryland, allocated in the following manner:

Court of Appeals	7 judges
Court of Special Appeals	13 judges
Circuit Courts	109 judges
District Court	90 judges

Each of these court levels undertakes to maximize the use of limited resources in order to keep current with their burgeoning caseloads. Some steps taken by these courts include the temporary recall of retired judges; the assignment of active judges from other areas of the State, as well as other courts; and various other administrative efforts aimed at managing caseload, particularly in the preliminary phases of litigation. All of these efforts are helpful in controlling the courts' workload but, from time to time, it is necessary to add permanent judicial positions.

After conferring with Chief Judge Richard P. Gilbert of the Court of Special Appeals, I plan not to seek any additional judicial positions in that Court in Fiscal 1987. A number of factors have helped this Court stabilize its workload over the past several years. One example was when the General Assembly passed legislation in 1983 limiting certain criminal appeals. This law changed the handling of cases by the Court where the defendants entered a guilty plea in the circuit court from appeals as a matter of right to applications for leave to appeal. As a result, a number of criminal appeals have been reduced from the Court's regular docket. This procedural change, along with the continued use of the prehearing conference in the Court of Special Appeals and the additional law clerks provided several years ago by the General Assembly, convinces me that there will be no need for any permanent judgeships in the Court of Special Appeals in Fiscal 1987.

With respect to the circuit courts, I am not seeking any additional judicial positions in any of the eight judicial circuits throughout the State, although I believe two jurisdictions, Carroll and Charles Counties, may be on the verge of needing permanent judgeships within the near future. I take this position with great reservation, realizing that the circuit courts in many areas of the State are greatly overworked, and many courts have done a yeoman job in keeping abreast of the rising tide of litigation. In Fiscal 1985, the circuit court reported nearly 172,000 total filings, statewide. This is approximately 10,000 additional filings greater than the previous fiscal year. Much of this increase is attributable to the following factors: A high number of cases filed with the courts affecting the family -- divorce, child abuse, foster placements, etc.; greater influx of cases involving specialized litigation, such as asbestos claims; and a multitude of misdemeanor cases which are now being filed in the circuit court after having requested a jury trial

Hon. Melvin A. Steinberg  
Hon. Benjamin L. Cardin  
Page 3  
January 16, 1986

in the District Court. With regard to the latter, in Fiscal 1985, over 19,000 of these cases were removed from the District Court to the circuit court. This is nearing catastrophic numbers and should be addressed by legislative remedy as recommended by the Executive Committee of the Judicial Conference.

As to the individual circuit courts, Judge Pollitt states that he may be needing an additional judge in the near future; however, because of constraints in physical facilities, he is not inclined to request an additional judge at this time. Judge Rasin, in the Second Judicial Circuit, points out that while he sees no immediate need for an additional judge at this time, he foresees the need for some judicial assistance in Cecil County in the near future. In the Third Judicial Circuit, Judge Ciccone states that he is not seeking any additional judgeships for Fiscal 1987. In the Fourth Judicial Circuit, Judge Wright informs me that there is no need for an additional circuit court judge in the Western region of our State.

According to the statistical formula used by the Administrative Office of the Courts, Carroll County shows the greatest need for a judge within the Fifth Circuit in Fiscal 1987 -- 0.9 of a judge. Population projections also tend to suggest that this county will continue to experience growth over the next several years. While Judge Thieme supports the Carroll County Bar Association's request for an additional judge, I am reluctant to request a permanent judgeship at this time until it is apparent that the recent surge in caseload statistics continues over a sustained period of time. If the workload demands continue to exist and if there is support at the local level for authorization of an additional judgeship, I will not hesitate to request a third judge for Carroll County in the near future. In the interim, if any immediate judicial assistance is needed in Carroll County, it can be filled on an intra-circuit basis or, if need be, from other areas of the State.

In the Sixth Circuit, it would appear judicial strength is adequate even though Judge Cahoon points to a rising number of court filings. Judge Loveless, in the Seventh Judicial Circuit, supports Judge Bowling's request for an additional judge in Charles County in Fiscal 1987. Charles County, like Carroll County, is one of the leading areas of the State where growth will be experienced over the next several years -- perhaps through the 1990's. If caseload demands continue to press the Charles County Bench in the future, I will be left with no other alternative but to request a third judgeship for Charles County as well. Temporary judicial assistance (if needed) will be provided on a short-term basis in order to keep existing workloads current.

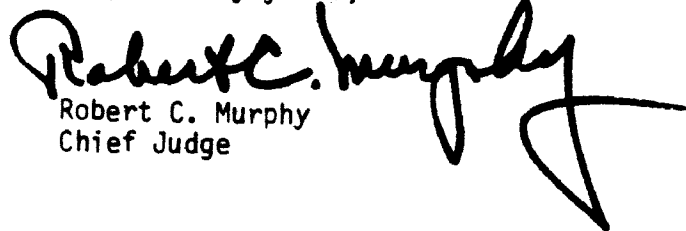
In Baltimore City in Fiscal 1987, it appears there will be no need for an additional judgeship. However, if jury trial prayers continue to plague the Eighth Judicial Circuit, additional judicial resources will undoubtedly be needed.

Hon. Melvin A. Steinberg  
Hon. Benjamin L. Cardin  
Page 4  
January 16, 1986

Turning to the District Court, Chief Judge Sweeney has requested one additional District Court judgeship for Montgomery County in Fiscal 1987. Citing increases in both motor vehicle and civil case filings, Chief Judge Sweeney believes that one additional judge will assist the court in alleviating the backlog of cases which has built up, particularly with respect to DWI offenses. While the reassignment of judges from other areas of the State is not always a desirable answer to combat scheduling and backlog problems, it may be the only alternative available on a short-term basis to see if workload problems dissipate. I am therefore "holding off" a request for a judgeship for the District Court for Montgomery County this year.

Although judgeships may be needed in the near future in the Circuit Courts for Carroll and Charles Counties, as well as the District Court for Montgomery County, I believe that the need is not sufficiently urgent to request additional judgeships this year.

Respectfully yours,

  
Robert C. Murphy  
Chief Judge

RCM:npg  
Enc.

cc: Hon. Harry Hughes, Governor  
Hon. Laurence Levitan, Chairman, Senate Budget and Taxation Committee  
Hon. Thomas V. "Mike" Miller, Jr., Chairman, Senate Judicial Proceedings Committee  
Hon. R. Clayton Mitchell, Chairman, House Appropriations Committee  
Hon. Joseph E. Owens, Chairman, House Judiciary Committee  
Hon. Richard P. Gilbert, Chief Judge, Court of Special Appeals  
Hon. Raymond G. Thieme, Jr., Chairman, Conference of Circuit Judges  
Hon. Robert F. Sweeney, Chief Judge, District Court  
Circuit Administrative Judges  
James H. Norris, Jr., Esq., State Court Administrator  
F. Carvel Payne, Esq., Director, Dept. of Legislative Reference  
Ms. Leonore C. Colcross, Staff Assistant, Dept. of Budget and Fiscal Planning  
Mr. Warren G. Descheneaux, Jr., Legislative Analyst, Dept. of Legislative Reference  
Mr. Peter J. Lally, Assistant State Court Administrator

Exhibit A

STATISTICAL ANALYSIS OF THE NEED FOR  
ADDITIONAL JUDGESHIPS IN THE CIRCUIT COURTS

Fiscal 1987

Administrative Office of the Courts  
Courts of Appeal Building  
Post Office Box 431  
Annapolis, Maryland 21404  
301/269-2141

STATISTICAL ANALYSIS OF THE NEED FOR  
ADDITIONAL JUDGESHIPS IN THE CIRCUIT COURTS

Fiscal 1987

I. INTRODUCTION

On January 4, 1979, Chief Judge Robert C. Murphy began an annual procedure of formally certifying to the General Assembly the need for additional circuit court judges in Maryland. This process, which has become known as the certification process (or judicial allocation plan), was suggested by the Legislative Policy Committee prior to the 1979 session of the legislature. Since its implementation, it has allowed the Judiciary the opportunity to present the need for judgeships based on a review of a comprehensive set of factors including workload and other variables which affect the day-to-day movement of cases through the State's judicial system.

The Chief Judge's Certification Process involves three different steps. The starting point and the subject of this report is a statistical analysis prepared by the Administrative Office of the Courts. Several variables are considered at this stage: actual and projected filings; the number of pending cases per judge; the number of dispositions per judge; the ratio of attorneys to judges; the time required for the filing of the case through disposition (broken down by criminal, civil, and juvenile) and the population per judge for each jurisdiction in Maryland. By reviewing these factors and applying caseload projections, preliminary indications can be made as to where additional judges are needed. It is important to emphasize that these indicators are only



preliminary and they are developed to act only as a guide in assisting where additional judicial positions may be needed. The final decision or position of the Judiciary is not made until the end of the third step.

The second phase of certification involves local input. It is at this stage of development, after reviewing the statistical analysis prepared by the Administrative Office of the Courts and assessing local factors, that each circuit administrative judge responds to the need for additional judgeships. This response is given after several groups or individuals have been consulted. For example, the circuit administrative judge will seek the views of the administrative judge from the county where an additional judge may be considered. He will also solicit opinions from all or a select number of members of the bench from that county. He undertakes to gain additional insight from members of the bar, State and local legislators, and other individuals involved with providing local support. In all, based on a thorough review of the local environment and additional factors which may justify the need for increasing judgeships, the circuit administrative judge is asked to address the circuit's need for additional judgeships. In responding, the circuit administrative judge is asked to address the following points:

- A. Is there agreement or disagreement with the statistical analysis prepared by the Administrative Office of the Courts?
- B. If there is disagreement with the analysis for additional judges, what factors (inter- or intra-circuit assignments, use of District Court judges, lack of physical facilities,

lack of fiscal support, use of retired judges, improved administrative procedures, etc.) support this view?

C. If there is disagreement with the analysis against additional judges, what factors (such as unavailability of inter- or intra-circuit assignment, District Court judges, or retired judges, availability of physical facilities and local fiscal support, complexity of cases, demographic factors, economic factors, etc.) support this view? Are there caseload management procedures that could be improved to reduce need for more judges?

D. If there is agreement with the formula recommendations, are there physical facilities and anticipated local financial support for any recommended additional judgeships? Does the local delegation of State legislators support this need? What is the position of the local bar and others who might be called upon to support the request for an additional judgeship?

The final phase of the certification plan occurs when the Chief Judge of the Court of Appeals reviews the responses from administrative judges as well as the preliminary statistical analysis. Before making a final decision, he may also choose to discuss the request further with the administrative judge or others whom he feels may have specific knowledge about the request. Final certification is then drafted for the legislative leadership based on a distillation of all the information available to the Chief Judge. This step is normally taken in advance of the legislature convening in January.

## II. METHODOLOGY FOR STATISTICAL ANALYSIS

In order to statistically review the need for judgeships, many sets of factors (or variables) can be looked at in order to help gauge where an additional judge may be needed. In Maryland, the first step is to assess the relative need of a jurisdiction by reviewing factors which may influence workload and performance of the courts. The second approach is to look at the specific needs of a jurisdiction by applying a particular formula. If the relative needs analysis and the formula approach both indicate a need for an additional judgeship, then there is a strong likelihood that a solid statistical need exists for a judgeship in that jurisdiction.

Reviewing the time required to terminate cases (performance measures) is one method of showing how the circuit courts are coping with increases in caseload. Table 3 illustrates the average number of days between filing and disposition for all cases terminated over the past four fiscal years (1982, 1983, 1984, and 1985). Generally, civil cases top the list in terms of processing time and it appears that the average wait for these cases is approximately 200 days. Criminal filings are the next highest in terms of statewide disposition rates averaging 111 days (Fiscal 1985) followed by Juvenile filings which averaged 64 days (Fiscal 1985).

Workload measures are compared in Table 5. These include filings per judge, pending cases per judge, dispositions per judge, population per judge, and attorney/judge ratio. (Detailed population figures are found in Table 4.) All factors (or variables) are then ranked in Table 6. A distinction is made between what are termed predictive

factors and performance factors. Predictive factors tend to indicate those elements which may affect the amount of business or workload of the courts in the foreseeable future, while performance factors generally show the ability of the courts to handle their workload. By comparing the two sets of factors collectively (Table 7), one can gain a perspective of the relative needs of the jurisdictions in Maryland in terms of volume and their ability to cope with these demands.

After having reviewed the method for determining relative needs, a more specific analysis of each area of the State is then considered. Projections are developed for Fiscal 1986 and Fiscal 1987 and then applied to a scale to predict numerically the need for judicial positions. The following scale was utilized for Fiscal 1987:

- A. 1,000 case filings in jurisdictions with 1 to 3 judicial officers;
- B. 1,100 case filings in jurisdictions with 4 to 8 judicial officers;
- C. 1,200 case filings in jurisdictions with 9 to 14 judicial officers;
- D. 1,300 case filings in jurisdictions with 15 to 19 judicial officers; and
- E. 1,400 case filings in jurisdictions with 20 or more judicial officers.

The results of the filings standard analysis are shown in Table 8. The first column after the jurisdiction represents the total 1987 projected filings for law, equity, criminal, and juvenile cases. The second column represents existing authorized judgeships. The third column shows the number of available full- and part-time masters, both juvenile and domestic relations and also District Court judges who are cross designated to hear juvenile and other matters in the circuit

court. The fourth column then combines the second and third columns into a total combined number of judicial officers. The fifth column illustrates the projected number of total case filings per judicial officer. The sixth column shows the estimate of judge needs by applying the appropriate filing standard to the projected adjusted caseload, and the last column represents preliminary estimate of needed judicial manpower in terms of existing judicial resources and projected need. A surplus is shown by a number in parentheses and a shortage or a need for judges is shown by a number without parentheses.

### III. GENERAL TRENDS WITHIN THE CIRCUIT COURTS

In the circuit courts, 171,964 filings were reported in Fiscal 1985 compared to 161,038 cases filed in Fiscal 1984 (excluding juvenile matters filed in Montgomery County). This represents a difference of nearly 10,000 additional filings or an increase in approximately 6.8 percent in total filings. Increases were reported in all three functional categories: civil filings, 4.5 percent; criminal filings, 15.8 percent; and juvenile filings, 2.9 percent. (Percentage increases do not include juvenile filings in Montgomery County Juvenile Court. See Table 1.) Within each of the major categories, domestic relations, contested confessed judgments, and unreported law increased the greatest on the civil side while jury trial requests in misdemeanor cases increased the most in the criminal portion of the circuit court workload.

With respect to the latter, the General Assembly in 1981 passed a law aimed at reducing the number of demands made for jury trials in the District Court (Chapter 608, Acts of 1981). As a result, jury trial requests dropped one-half after the first year. (See insert.) Then, in

Fiscal 1983, two years after passage of the Gerstung law, jury trial prayers increased close to the level where they were prior to the enactment of Chapter 608. The impact of this law was further questioned in April of 1984 when the Court of Appeals ruled unconstitutional the denial of a jury trial for a theft offense carrying a penalty of 18 months' imprisonment. (See Kawamura v. State, 299 Md. 276, 473 A.2d 438 (1984).) In Fiscal 1984, jury trial prayers exceeded the 1981 level, thus all but eliminating the effect of this law and bringing back greater workload problems for the circuit courts. In Fiscal 1985, jury trial requests rose to 19,180 filings. This is 6,890 additional filings (56 percent) since Fiscal Year 1981 and 5,987 additional filings (45 percent) over the past fiscal year. It is clear that if the present trend continues, the circuit court will be inundated with criminal cases from the District Court.

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Jury Trial Prayers Pre- and Post-Gerstung Law (Chapter 608)

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	Jury Trial Prayers Pre-Ch.608	Jury Trial Prayers Post-Ch.608			
	7/1/80- 6/30/81	7/1/81- 6/30/82	7/1/82- 6/30/83	7/1/83- 6/30/84	7/1/84- 6/30/85
Baltimore City*	5,925	2,034	3,209	4,128	5,948
Anne Arundel County	503	381	392	459	720
Baltimore County	1,312	1,050	1,424	1,513	2,245
Montgomery County	636	489	1,223	1,924	2,631
Prince George's County	952	895	1,583	2,755	4,043
All Other Counties	<u>2,962</u>	<u>1,399</u>	<u>1,930</u>	<u>2,414</u>	<u>3,593</u>
Statewide	12,290	6,248	9,761	13,193	19,180

\*Based on number of defendants provided by the Criminal Assignment Office of the Circuit Court for Baltimore City.

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Since the certification process began in January of 1979, 19 circuit court judgeships and four District Court judgeships have been created. During the 1979 session of the General Assembly, seven circuit court judges were approved -- two in Anne Arundel, one each in Baltimore City, Charles, Montgomery, Prince George's, and Worcester Counties (Chapter 480, Acts of 1979). In 1980, while the circuit judgeship bills were not enacted (SB 674 and HB 997), one District Court judge was authorized in Howard County (Chapter 266, Acts of 1980). The following year, 1981, the General Assembly approved six circuit court judges under the certification process -- two in Baltimore County, one each in Harford, Howard, Montgomery, and Washington Counties (Chapters 532 and 634 of 1981 Acts). In 1982, one circuit court judge was approved in Prince George's County (Chapter 132 of 1982 Acts). During the 1983 session, one judge was approved in the District Court for Montgomery County (Chapter 141 of 1983 Acts); two circuit court judgeship requests in Frederick County and Baltimore City were not approved.

In 1984, the General Assembly created five new judicial positions: two District Court judgeships, one each in Prince George's County and Baltimore City (Chapter 107 of 1984 Acts); and three additional judgeships in the circuit courts, one each in Baltimore, Frederick, and Prince George's Counties (Chapter 191 of 1984 Acts). During the 1985 session of the General Assembly, two circuit court judgeships were authorized, one each for Montgomery and Prince George's Counties (Chapter 21 of 1985 Acts). This means that over 79 percent of judgeship requests have been approved since the certification program began at the request of the Legislative Policy Committee over seven years ago.

#### IV. CIRCUIT-BY-CIRCUIT ANALYSIS

##### First Circuit

Dorchester, Wicomico, Worcester, and Somerset Counties comprise the four-county area of the southern portion of the Eastern Shore of Maryland known as the First Judicial Circuit. Of these four subdivisions, Wicomico County represents the largest both in terms of case-load filings and overall growth in permanent population. By July 1, 1986, it is projected that Wicomico County will have a population of 71,100 residents or approximately 9.7 percent greater than what was reported during the 1980 census (Table 4). Also by this same time, it is expected that 2,606 cases will be filed in the circuit court for Wicomico County -- approximately 16 percent greater than the current fiscal year. This correlates to approximately 0.6 of a judge according to the projection formula utilized in Table 8 and shows the county may be on the verge of needing an additional judge in the near future. With respect to the other three jurisdictions within the circuit, it is anticipated that adequate judicial strength will be available to handle the workload as projected through Fiscal 1987 (Table 8).

##### Second Circuit

Collectively, the five-county region of the Second Judicial Circuit, Caroline, Cecil, Kent, Queen Anne's, and Talbot Counties, shows no additional need for judgeships to be authorized in Fiscal 1987. This is due to the fact that projection forecasts (Table 2) estimate that 6,119 case filings will be reported in the Second Judicial Circuit in Fiscal 1987. This is consistent with the judicial resources now available (Table 8) to handle this workload assuming that one of the current



District Court judges will continue to hear juvenile matters on a regular basis in Cecil County.

#### Third Circuit

During the past fiscal year, total court filings increased in both Baltimore and Harford Counties, the two jurisdictions that make up the Third Judicial Circuit. Baltimore County's case filings climbed from 18,352 in Fiscal 1984 to 20,176 case filings in Fiscal 1985. This represents a difference of 9.9 percent. Harford County also increased from 4,579 case filings in Fiscal 1984 to 4,968 in Fiscal 1985, an increase of about 8.4 percent. By Fiscal 1987, it is expected that both of these jurisdictions will report 25,938 total court filings. In terms of the caseload formula utilized in Table 8, this will require 0.5 of a judge for the circuit, 0.4 of a judge in Baltimore County and 0.1 of a judge in Harford County.

With respect to other workload measures, Baltimore County ranks third in population per judge (55,800 to 1) and third in attorney/judge ratio (146 to 1) while Harford County is third in the number of pending cases per judge (1,617) and first in the State for the longest disposition time of criminal cases (173 days).

#### Fourth Circuit

In Fiscal 1985, Allegany, Garrett, and Washington Counties reported 5,947 filings. This is 10.5 percent greater than Fiscal 1984 (5,378 filings) and 15.9 percent more than Fiscal 1983 (5,130 filings). Despite these increases, it appears from the caseload formula utilized in Table 8 that sufficient judicial resources will be available in the Fourth Judicial Circuit through Fiscal 1987.

### Fifth Circuit

The three counties in the Fifth Judicial Circuit (Anne Arundel, Carroll, and Howard) represent the largest population growth center projected for the State through the eighties. By July 1, 1986, it is estimated that the counties within this circuit will be comprised of 689,800 people (Table 4). This is over 100,000 more people reported for the area in July 1980 and represents more than half of the State's population growth projected for the six-year period between July 1980 and July 1986.

Population growth does not always correlate with growth in litigation; however, over the past three years, each of the three counties has experienced a steady and consistent growth in the number of reported filings. Most significant within this growth pattern is in Anne Arundel County where the number of filings has increased from 13,589 filings in Fiscal 1983 to 16,501 filings in Fiscal 1984 to a record number of 18,250 filings in Fiscal 1985 (see Table 2). Most of this growth is attributable to a high number of contempt petitions reopened in child support and paternity cases within recent years.

In relation to projected judgeship needs, the Fifth Circuit shows an overall need of 0.6 of a judge in Fiscal 1987 (Table 8). The greatest of this need appears to be in Carroll County where 0.9 of a judge is forecast for Fiscal 1987. This jurisdiction ranks second in population per judge (55,800 to 1), third in the number of dispositions per judge (1,678), and fourth in the number of filings per judge (1,772). Carroll County also recorded the second highest elapsed time of criminal cases, averaging 167 days. Workload measures in Anne Arundel County indicate the second highest ranking for the number of filings per judge (2,028)

and the highest filing-to-disposition time for juvenile cases, 82 days. Howard County reported 261 days for the disposition of civil cases, the second highest in Fiscal 1985.

#### Sixth Circuit

Within the Sixth Judicial Circuit, Montgomery County was approved a thirteenth judge during the 1985 session of the General Assembly (Fiscal 1986), and Frederick County a third judge during the previous session (Fiscal 1985). Both of these jurisdictions have experienced a steady and consistent increase in the number of court filings over the last several years. Montgomery County, for instance, has shown the following increases in filings over the past five fiscal years:

<u>FY 81</u>	<u>FY 82</u>	<u>FY 83</u>	<u>FY 84</u>	<u>FY 85</u>
10,812	11,088	14,782	15,891	16,933

Much of this increase is aligned with the greater demand for jury trial prayer requests originating from the District Court in the metropolitan areas of the State. The following indicates the increase in number of those requests in Montgomery County for the past five fiscal years:

	<u>FY 81</u>	<u>FY 82</u>	<u>FY 83</u>	<u>FY 84</u>	<u>FY 85</u>
Motor Vehicle Jury Trial Prayers	357	248	812	1,475	1,561
Criminal Jury Trial Prayers	<u>279</u>	<u>241</u>	<u>411</u>	<u>449</u>	<u>1,070</u>
	636	489	1,223	1,924	2,631

With respect to other significant workload factors, Montgomery County ranks first in the State in attorney/judge ratio (254 to 1), second in the number of pending cases per judge (1,681), and fourth in

population per judge (50,875 to 1). In the disposition of civil cases, the county ranks fourth highest with an average of 223 days.

#### Seventh Circuit

The Seventh Judicial Circuit in Maryland is made up of Calvert, Charles, Prince George's, and St. Mary's Counties. Prince George's is the largest jurisdiction within the region, having an estimated population of 665,700 (Fiscal 1987 - Table 4) and a total of 21 judicial officers (16 authorized circuit court judges and five juvenile and equity masters). Over the past two fiscal years, Prince George's County has been approved by the General Assembly for the addition of two circuit court judges (see Chapter 191 of 1984 Acts and Chapter 21 of 1985 Acts).

Table 2 indicates the steady rise in case filings in Prince George's County since Fiscal 1978. In Fiscal 1985, the county reported 29,916 total filings. Like other jurisdictions, the county has also realized a significant increase in the number of jury trial requests over the past three fiscal years.

	<u>FY 81</u>	<u>FY 82</u>	<u>FY 83</u>	<u>FY 84</u>	<u>FY 85</u>
Motor Vehicle Jury Trial Prayers	178	242	669	1,438	1,794
Criminal Jury Trial Prayers	<u>774</u>	<u>653</u>	<u>914</u>	<u>1,317</u>	<u>2,249</u>
	952	895	1,583	2,755	4,043

Charles County is the other jurisdiction within the Seventh Circuit which has witnessed a steady increase in growth, both in population and caseload. In Fiscal 1987, it is estimated that the county

will have a population of 90,100 (Table 4). This is nearly twice as many individuals reported in the 1970 census (47,678) and 26,000 more than the amount reported in July 1980. In Fiscal 1985, Charles County reported 3,195 case filings.

Because of increases in case filings over the past several years, the Seventh Judicial Circuit has shown a consistent pattern of needing increased judicial strength. This year, according to forecasts in Table 8, the circuit could collectively utilize 2.6 more judges. Charles County shows the greatest demand with a need of 1.2 judges, followed by 0.7 of a judge in Prince George's County.

In terms of other workload measures, Prince George's County is the third highest in the State in the number of filings per judge (1,994) and fourth highest in the number of dispositions per judge (1,673) and pending cases per judge (1,563). It also recorded the third longest "lapse time" for the disposition of civil cases (246 days), while St. Mary's County reported the second longest for the disposition of juvenile matters (81 days).

#### Eighth Circuit

The Circuit Court for Baltimore City, formerly the Supreme Bench of Baltimore City, comprises the Eighth Judicial Circuit in Maryland. It consists of 23 circuit court judges and 11 full-time juvenile and domestic relations masters to handle a workload of over 45,000 case filings each year. One District Court judge is assigned to the Circuit Court on a rotational basis during the major portion of the year.

In Fiscal 1985, the Eighth Judicial Circuit reported 47,128 case filings. This represents an increase over the number of case filings in the previous year by nearly 4,000 additional filings or a 9.0 percent

increase in workload. As is true in most of the other metropolitan courts in Maryland, the greater percentage of Fiscal 1985 workload increases was directly attributable to the higher demand for jury trials originating from the District Court. In Baltimore City, this demand resulted in approximately 1,820 more defendants making this request in Fiscal 1985 or about 44.0 percent more jury trial requests (see discussion of these cases, *supra* p. 7).

With respect to other workload indicators, Baltimore City ranks first in the number of filings per judge (2,049) and in the number of pending cases per judge (3,247) and second highest in the attorney/judge ratio (178:1). Disposition time appears to be consistent or better than other urban courts within the State (see Tables 3 and 6).

TABLE 1  
STATEWIDE CIRCUIT COURT FILINGS BY CASE TYPE  
FISCAL YEARS 1976 THROUGH 1985

Case Type	FY 76 Filings (% of Change)	FY 77 Filings (% of Change)	FY 78 Filings (% of Change)	FY 79 Filings (% of Change)	FY 80 Filings (% of Change)	FY 81 Filings <sup>c</sup> (% of Change)	FY 82 Filings <sup>c</sup> (% of Change)	FY 83 Filings (% of Change)	FY 84 Filings (% of Change)	FY 85 Filings (% of Change)
Civil <sup>a</sup>	62,158 (+ 8.4%)	66,026 (+ 6.2%)	74,720 (+13.2%)	81,064 (+ 8.5%)	86,295 (+ 6.5%)	75,336 (-12.7%)	81,633 (+ 8.4%)	91,255 (+11.8%)	97,674 (+ 7.0%)	102,030 (+ 4.5%)
Criminal	33,744 (+13.97%)	43,171 (+27.93%)	35,729 (-17.23%)	38,516 (+ 7.80%)	39,007 (+ 1.27%)	46,061 (+18.08%)	30,575 (-33.62%) <sup>d</sup>	33,862 (+10.75%)	36,738 (+ 8.49%)	42,547 (+15.8%)
Juvenile <sup>b</sup>	25,296 (+ 7.77%)	23,825 (- 5.81%)	22,472 (- 5.67%)	23,487 (+ 4.51%)	24,117 (+ 2.68%)	22,961 (- 4.79%)	26,481 (+15.33%)	26,518 (+ 0.13%)	26,626 (+ 0.40%)	27,387 (+ 2.9%)
Total	121,198 (+ 9.77%)	133,022 (+ 9.75%)	132,921 (- 0.07%)	143,067 (+ 7.63%)	149,419 (+ 4.43%)	144,358 (- 3.38%)	138,689 (- 3.93%)	151,635 (+ 6.92%)	161,038 (+ 6.20%)	171,964 (+ 6.8%)

<sup>a</sup>Beginning in Fiscal 1985, "Law" and "Equity" were combined into one category and named "Civil."

<sup>b</sup>Excludes juvenile causes in Montgomery County District Court.

<sup>c</sup>During Fiscal 1981 and Fiscal 1982, reopened cases were counted when a hearing was held. In all other fiscal years, reopened cases are recorded at the time of the filing of the petition.

<sup>d</sup>Beginning in Fiscal 1982, Baltimore City changed its criminal counting procedures from individual charges to cases which are defined as charges arising out of a single incident.

TABLE 2  
PROJECTIONS OF CIRCUIT COURT FILINGS FOR  
EACH JURISDICTION IN MARYLAND THROUGH 1987

Circuit/ Jurisdiction	Actual							Projected <sup>c</sup>		
	FY 78	FY 79	FY 80	FY 81 <sup>a</sup>	FY 82 <sup>b</sup>	FY 83	FY 84	FY 85	FY 86	FY 87
<u>First Circuit</u>	5,589	5,691	6,128	6,005	5,506	6,198	6,398	6,366	6,449	6,554
Dorchester	1,362	1,306	1,370	1,156	1,135	1,156	1,305	1,480	1,292	1,294
Somerset	554	562	618	550	635	675	800	759	798	833
Wicomico	2,036	2,251	2,522	2,307	2,348	2,669	2,583	2,245	2,563	2,606
Worcester	1,637	1,572	1,618	1,992	1,388	1,698	1,710	1,882	1,796	1,821
<u>Second Circuit</u>	4,220	4,249	4,669	4,436	4,957	5,602	5,369	5,625	5,896	6,119
Caroline	572	549	618	750	678	750	687	897	864	903
Cecil	2,030	1,892	2,121	1,975	2,219	2,311	2,356	2,484	2,512	2,587
Kent	464	399	457	414	378	430	388	372	369	359
Queen Anne's	623	656	726	735	886	1,054	991	939	1,095	1,155
Talbot	531	753	747	562	796	1,057	947	933	1,056	1,115
<u>Third Circuit</u>	18,020	19,248	19,582	19,642	20,303	22,281	22,931	25,144	25,021	25,938
Baltimore	14,723	15,648	16,126	15,857	16,348	18,341	18,352	20,176	20,098	20,798
Harford	3,297	3,600	3,456	3,785	3,955	3,940	4,579	4,968	4,923	5,140
<u>Fourth Circuit</u>	5,120	5,519	6,052	4,980	4,807	5,130	5,378	5,947	5,481	5,506
Allegany	1,873	2,073	2,112	1,650	1,589	1,577	1,544	1,702	1,470	1,404
Garrett	645	640	725	706	645	724	701	718	728	737
Washington	2,602	2,806	3,215	2,624	2,573	2,829	3,133	3,527	3,283	3,365
<u>Fifth Circuit</u>	17,553	17,956	18,399	16,690	17,461	19,906	23,727	26,037	21,520	22,091
Anne Arundel	12,705	13,123	12,671	10,730	11,592	13,198	16,501	18,250	13,815	14,036
Carroll	2,044	2,221	2,612	2,451	2,377	3,190	3,434	3,543	3,399	3,545
Howard	2,804	2,612	3,116	3,509	3,492	3,518	3,792	4,244	4,306	4,510
<u>Sixth Circuit</u>	11,560	11,572	12,653	13,123	13,589	17,139	18,465	19,651	20,345	21,596
Frederick <sup>d</sup>	2,353	2,472	2,688	2,311	2,501	2,357	2,574	2,718	2,618	2,645
Montgomery <sup>d</sup>	9,207	9,100	9,965	10,812	11,088	14,782	15,891	16,933	17,727	18,951
<u>Seventh Circuit</u>	22,496	23,468	25,419	26,469	30,567	32,485	35,561	36,066	36,270	36,600
Calvert	994	1,013	1,352	1,640	1,294	1,156	1,317	1,467	1,388	1,448
Charles	1,876	2,212	2,497	2,724	2,694	3,126	3,010	3,195	3,179	3,213
Prince George's	18,278	19,054	20,152	20,415	25,100	26,551	29,653	29,916	30,169	30,427
St. Mary's	1,348	1,189	1,418	1,690	1,479	1,652	1,581	1,488	1,534	1,512
<u>Eighth Circuit</u>	48,363	55,364	56,517	53,013	41,499	42,894	43,209	47,128	47,317	48,285
Baltimore City	48,363	55,364	56,517	53,013	41,499 <sup>b</sup>	42,894	43,209	47,128	47,317	48,285
<u>Statewide</u>	132,921	143,067	149,419	144,358	138,689	151,635	161,038	171,964	168,299	172,689

<sup>a</sup>During Fiscal 1981 and Fiscal 1982, reopened cases were counted when a hearing was held. In all other fiscal years, reopened cases are recorded at the time of the filing of the petition.

<sup>b</sup>Baltimore City changed its criminal counting procedures from individual charges to cases in July 1981. Cases are defined as charges arising out of a single incident.

<sup>c</sup>Fiscal Years 1986 and 1987 projections are based on a linear regression method of forecasting.

<sup>d</sup>Excludes juvenile causes heard in Montgomery County.



TABLE 3

FILING TO DISPOSITION OF CASES TERMINATED  
IN FISCAL 1985, 1984, 1983, and 1982

	Average in Days - Filing to Disposition							
	All Criminal Cases				Excluding Cases Over 360 Days*			
	'82	'83	'84	'85	'82	'83	'84	'85
<u>First Circuit</u>								
Dorchester	122	132	147	175	122	132	147	132
Somerset	191	124	97	256	85	99	90	111
Wicomico	124	92	120	93	88	83	88	86
Worcester	190	166	146	123	169	128	129	117
<u>Second Circuit</u>								
Caroline	127	150	135	144	119	142	128	125
Cecil	168	205	168	166	147	173	143	157
Kent	149	130	161	170	140	121	161	159
Queen Anne's	189	225	186	125	154	149	131	123
Talbot	129	146	131	152	117	118	114	143
<u>Third Circuit</u>								
Baltimore	118	122	130	133	101	102	104	99
Harford	299	223	197	223	176	166	157	173
<u>Fourth Circuit</u>								
Allegany	166	135	154	151	109	98	110	126
Garrett	144	185	158	133	141	172	131	125
Washington	170	211	183	150	117	153	132	130
<u>Fifth Circuit</u>								
Anne Arundel	158	153	159	163	138	137	138	144
Carroll	186	215	224	208	153	161	160	167
Howard	148	124	150	168	134	107	125	131
<u>Sixth Circuit</u>								
Frederick	142	149	131	116	111	118	107	103
Montgomery	176	176	173	179	146	133	134	142
<u>Seventh Circuit</u>								
Calvert	145	146	112	100	107	123	101	96
Charles	145	166	194	162	110	134	83	152
Prince George's	188	171	142	114	151	131	120	104
St. Mary's	145	116	105	142	123	112	105	135
<u>Eighth Circuit</u>								
Baltimore City	139	165	148	115	128	131	121	93
Statewide	155	159	150	135	130	127	121	111

\*This column excludes older cases to give the reader an indication of what the average time would be eliminating those cases which perhaps should have been reported as terminated to the State information system. Approximately 90 to 95 percent of the cases are disposed within this time period.

TABLE 3 (contd.)

FILING TO DISPOSITION OF CASES TERMINATED  
IN FISCAL 1985, 1984, 1983, and 1982

	Average in Days - Filing to Disposition							
	All Civil Cases				Excluding Cases Over 721 Days*			
	'82	'83	'84	'85	'82	'83	'84	'85
<u>First Circuit</u>								
Dorchester	188	175	417	279	126	105	145	147
Somerset	181	106	242	162	74	70	107	107
Wicomico	180	247	176	180	149	154	139	148
Worcester	277	258	274	211	170	183	176	175
<u>Second Circuit</u>								
Caroline	243	213	203	169	143	162	180	143
Cecil	235	298	174	193	150	168	143	153
Kent	196	200	168	173	151	163	130	129
Queen Anne's	189	177	174	126	155	148	147	88
Talbot	305	155	160	216	203	112	124	155
<u>Third Circuit</u>								
Baltimore	403	401	326	310	205	237	223	216
Harford	277	272	261	269	190	187	174	182
<u>Fourth Circuit</u>								
Allegany	884	530	244	443	249	237	164	261
Garrett	280	270	243	220	191	191	183	192
Washington	310	256	238	332	199	188	153	179
<u>Fifth Circuit</u>								
Anne Arundel	313	347	370	236	202	202	202	173
Carroll	273	397	260	263	171	163	161	147
Howard	322	446	390	434	226	233	263	261
<u>Sixth Circuit</u>								
Frederick	272	216	214	224	174	170	152	169
Montgomery	327	734	598	622	235	224	217	223
<u>Seventh Circuit</u>								
Calvert	264	285	216	228	195	180	151	170
Charles	213	232	216	226	172	197	183	181
Prince George's	295	354	468	350	220	237	249	246
St. Mary's	249	192	181	202	198	166	161	178
<u>Eighth Circuit</u>								
Baltimore City	278	253	265	252	187	174	206	187
Statewide	312	375	364	328	198	204	208	200

\*This column excludes older cases to give the reader an indication of what the average time would be eliminating those cases which perhaps should have been reported as terminated to the State information system. Approximately 90 to 95 percent of the cases are disposed within this time period.

TABLE 3 (contd.)

FILING TO DISPOSITION OF CASES TERMINATED  
IN FISCAL 1985, 1984, 1983, and 1982

	Average in Days - Filing to Disposition							
	All Juvenile Cases				Excluding Cases Over 271 Days*			
	'82	'83	'84	'85	'82	'83	'84	
<u>First Circuit</u>								
Dorchester	41	33	72	37	41	33	37	37
Somerset	53	60	12	66	20	49	12	26
Wicomico	42	31	33	32	34	29	30	32
Worcester	52	64	71	55	52	52	51	47
<u>Second Circuit</u>								
Caroline	27	63	117	65	27	45	47	59
Cecil	35	52	43	71	35	42	42	48
Kent	47	25	29	73	47	25	29	65
Queen Anne's	56	30	37	44	53	27	37	40
Talbot	80	52	106	52	53	48	42	52
<u>Third Circuit</u>								
Baltimore	162	76	81	54	57	62	61	43
Harford	64	88	62	78	62	67	53	48
<u>Fourth Circuit</u>								
Allegany	26	35	30	32	21	27	27	29
Garrett	55	39	56	32	36	36	31	32
Washington	39	44	45	36	33	37	40	36
<u>Fifth Circuit</u>								
Anne Arundel	105	137	107	91	86	87	85	82
Carroll	68	72	78	78	61	69	68	68
Howard	74	94	145	82	69	75	102	71
<u>Sixth Circuit</u>								
Frederick	68	98	81	59	61	65	65	59
Montgomery	238	129	125	161	84	88	77	92
<u>Seventh Circuit</u>								
Calvert	110	97	107	105	80	73	70	73
Charles	76	99	67	116	72	66	62	65
Prince George's	50	51	61	104	44	46	49	63
St. Mary's	88	76	65	88	70	66	59	81
<u>Eighth Circuit</u>								
Baltimore City	116	72	78	86	52	58	62	63
Statewide	112	79	81	90	56	61	61	64

\*This column excludes older cases to give the reader an indication of what the average time would be eliminating those cases which perhaps should have been reported as terminated to the State information system. Approximately 90 to 95 percent of the cases are disposed within this time period.

TABLE 4

MARYLAND POPULATION CHANGE BETWEEN 1970 AND 1980 CENSUS  
AND POPULATION PROJECTIONS THROUGH JULY 1, 1986

Circuit/ Jurisdiction	Actual Population		Actual Annual Rate of Change	Population Projections		Projected Annual Rate of Change <sup>c</sup>
	April 1, 1970	April 1, 1980		July 1, 1980 <sup>a</sup>	July 1, 1986 <sup>b</sup>	
<u>First Circuit</u>	127,007	145,240	1.44	145,700	157,100	1.30
Dorchester	29,405	30,623	0.41	30,650	31,300	0.35
Somerset	18,924	19,188	0.14	19,200	19,500	0.26
Wicomico	54,236	64,540	1.9	64,800	71,100	1.62
Worcester	24,442	30,889	2.64	31,050	35,200	2.23
<u>Second Circuit</u>	131,322	151,380	1.53	151,890	164,200	1.35
Caroline	19,781	23,143	1.7	23,230	25,400	1.56
Cecil	53,291	60,430	1.34	60,610	64,700	1.12
Kent	16,146	16,695	0.34	16,710	17,000	0.29
Queen Anne's	18,422	25,508	3.85	25,690	30,400	3.06
Talbot	23,682	25,604	0.81	25,650	26,700	0.68
<u>Third Circuit</u>	735,787	801,545	0.89	803,190	842,400	0.81
Baltimore	620,409	655,615	0.57	656,500	677,400	0.53
Harford	115,378	145,930	2.65	146,690	165,000	2.08
<u>Fourth Circuit</u>	209,349	221,132	0.56	220,400	227,300	0.52
Allegany	84,044	80,548	-0.42	80,460	78,500	(0.41)
Garrett	21,476	27,498	2.34	26,620	29,800	1.99
Washington	103,829	113,086	0.89	113,320	119,000	0.84
<u>Fifth Circuit</u>	429,442	585,703	3.64	589,610	689,800	2.83
Anne Arundel	298,042	370,775	2.44	372,590	418,800	2.07
Carroll	69,006	96,356	4.0	97,040	114,500	3.00
Howard	62,394	118,572	9.0	119,980	156,500	5.07
<u>Sixth Circuit</u>	607,736	693,845	1.42	695,460	751,800	1.35
Frederick	84,927	114,792	3.52	115,000	135,200	2.93
Montgomery	522,809	579,053	1.08	580,460	616,600	1.04
<u>Seventh Circuit</u>	777,467	832,355	0.71	833,740	868,100	0.69
Calvert	20,682	34,638	6.75	34,990	44,200	4.39
Charles	47,678	72,751	5.26	73,380	90,100	3.80
Prince George's	661,719	665,071	0.05	665,160	665,700	0.01
St. Mary's	47,388	59,895	2.64	60,210	68,100	2.18
<u>Eighth Circuit</u>						
Baltimore City	905,787	786,775	-1.31	783,800	715,800	(1.45)
STATEWIDE	3,923,897	4,217,975	0.75	4,223,790	4,416,500	0.76

SOURCES: Maryland Vital Statistics Annual Report, 1980, and Maryland Population Report July 1, 1980 and Projections to 1986, Department of Health and Mental Hygiene, Center for Health Statistics.

<sup>a</sup>The July 1, 1980 population estimate was prepared by the Center for Health Statistics by adding to the 1980 census population (April 1, 1980) 1/40th the change between the 1970 and 1980 censuses for each political subdivision. The subdivisions were then summed to obtain the total state population.

<sup>b</sup>Change in population from one year to the next is dependent upon two factors -- natural increase and net migration. Natural increase is the excess of births over deaths. Net migration is the difference between the number of people moving into an area and the number moving out. For further information, see source documents above.

<sup>c</sup>Brackets indicate a negative projected annual rate of change.

TABLE 5  
COMPARATIVE WORKLOAD MEASURES PER CIRCUIT COURT JUDGE<sup>a</sup>  
(Fiscal Year 1985)

Jurisdiction (Number of Judges)	(1) Filings Per Judge (Rank)	(2) Pending Cases Per Judge (Rank)	(3) Dispositions Per Judge (Rank)	(4) Population <sup>b</sup> Per Judge (Rank)	(5) Attorney/Judge Ratio <sup>c</sup>
<b>First Circuit</b>					
Dorchester (1)	1,480 (7)	793 (11)	1,408 (6)	31,200 (17)	22 (22)
Somerset (1)	759 (22)	372 (21)	688 (23)	19,400 (22)	13 (24)
Wicomico (2)	1,123 (14)	439 (18)	1,086 (13)	35,000 (14)	50 (11)
Worcester (2)	941 (16)	578 (15)	816 (18)	17,250 (23)	33 (19)
<b>Second Circuit</b>					
Caroline (1)	897 (20)	424 (20)	747 (21)	25,000 (21)	22 (23)
Cecil (2)	1,242 (12)	566 (16)	1,218 (11)	32,000 (15)	31 (20)
Kent (1)	372 (24)	175 (24)	402 (24)	17,000 (24)	38 (14)
Queen Anne's (1)	939 (17)	330 (22)	977 (15)	29,600 (18)	35 (16)
Talbot (1)	933 (18)	454 (17)	807 (19)	26,500 (20)	82 (6)
<b>Third Circuit</b>					
Baltimore (13)	1,552 (6)	1,262 (6)	1,347 (8)	51,838 (3)	146 (3)
Harford (4)	1,242 (11)	1,617 (3)	946 (16)	40,475 (10)	54 (9)
<b>Fourth Circuit</b>					
Allegany (2)	851 (21)	675 (13)	782 (20)	39,450 (11)	37 (15)
Garrett (1)	718 (23)	299 (23)	698 (22)	29,200 (19)	24 (21)
Washington (3)	1,176 (13)	611 (14)	1,105 (12)	39,366 (12)	35 (17)
<b>Fifth Circuit</b>					
Anne Arundel (9)	2,028 (2)	1,427 (5)	1,760 (2)	45,666 (5)	86 (5)
Carroll (2)	1,772 (4)	1,216 (7)	1,678 (3)	55,800 (2)	68 (8)
Howard (4)	1,061 (15)	819 (10)	1,032 (14)	37,575 (13)	134 (4)
<b>Sixth Circuit</b>					
Frederick (3)	906 (19)	431 (19)	900 (17)	43,900 (7)	48 (12)
Montgomery <sup>d</sup> (12)	1,411 (10)	1,681 (2)	1,295 (10)	50,875 (4)	254 (1)
<b>Seventh Circuit</b>					
Calvert (1)	1,467 (8)	850 (8)	1,335 (9)	42,600 (9)	40 (13)
Charles (2)	1,598 (5)	819 (9)	1,520 (5)	43,600 (8)	35 (18)
Prince George's (15)	1,994 (3)	1,563 (4)	1,673 (4)	44,373 (6)	73 (7)
St. Mary's (1)	1,448 (9)	779 (12)	1,359 (7)	66,800 (1)	50 (10)
<b>Eighth Circuit</b>					
Baltimore City (23)	2,049 (1)	3,247 (1)	1,792 (1)	31,617 (16)	178 (2)
State (107)	1,607	1,621	1,418	40,969	119

<sup>a</sup>The number of judges used in developing the rankings in this chart is based on the number authorized in Fiscal 1985 (107 statewide).

<sup>b</sup>Population estimate for July 1, 1985, issued by the Maryland Center for Health Statistics.

<sup>c</sup>Attorney statistics obtained from the Administrator of the Clients' Security Trust Fund of the Bar of Maryland as of March 31, 1985. Out-of-state attorneys are not included in these ratios.

<sup>d</sup>Excludes juvenile cases in Montgomery County District Court.

TABLE 6  
COMPARED RANKING OF VARIOUS FACTORS AFFECTING JUDGESHIP ALLOCATION

	Ranking of Predictive Factors				Ranking of Performance Factors (Inverted Ranking Used <sup>a</sup> to Show Longest Times)		
	Filings	Popu- lation	Pending Cases	Attorneys	Time/ Civil	Time/ Criminal	Time/ Juvenile
<u>First Circuit</u>							
Dorchester	7	17	11	22	147 (19)	132 (10)	37 (18)
Somerset	22	22	21	24	107 (23)	111 (18)	26 (23)
Wicomico	14	14	18	11	148 (18)	86 (29)	32 (21)
Worcester	16	23	15	19	175 (12)	117 (17)	47 (15)
<u>Second Circuit</u>							
Caroline	20	21	20	23	143 (21)	125 (15)	59 (11)
Cecil	12	15	16	20	153 (17)	157 (4)	48 (13)
Kent	24	24	24	14	129 (22)	159 (3)	65 (7)
Queen Anne's	17	18	22	16	88 (24)	123 (16)	40 (17)
Talbot	18	20	17	6	155 (16)	143 (7)	52 (12)
<u>Third Circuit</u>							
Baltimore	6	3	6	3	216 (5)	99 (21)	43 (16)
Harford	11	10	3	9	182 (8)	173 (1)	48 (14)
<u>Fourth Circuit</u>							
Allegany	21	11	13	15	261 (1)	126 (13)	29 (22)
Garrett	23	19	23	21	192 (6)	125 (14)	32 (20)
Washington	13	12	14	17	179 (10)	130 (12)	36 (19)
<u>Fifth Circuit</u>							
Anne Arundel	2	5	5	5	173 (13)	144 (6)	82 (1)
Carroll	4	2	7	8	147 (20)	167 (2)	68 (5)
Howard	15	13	10	4	261 (2)	131 (11)	71 (4)
<u>Sixth Circuit</u>							
Frederick	19	7	19	12	169 (15)	103 (20)	59 (10)
Montgomery	10	4	2	1	223 (4)	142 (8)	N/A
<u>Seventh Circuit</u>							
Calvert	8	9	8	13	170 (14)	96 (22)	73 (3)
Charles	5	8	9	18	181 (9)	152 (5)	65 (6)
Prince George's	3	6	4	7	246 (3)	104 (19)	63 (8)
St. Mary's	9	1	12	10	178 (11)	135 (9)	81 (2)
<u>Eighth Circuit</u>							
Baltimore City	1	16	1	2	187 (7)	93 (23)	63 (9)

<sup>a</sup>Lower number indicates greater need for judgeship. (So, for example, a number one ranking of a predictive factor would indicate a higher amount of volume whereas a number one ranking of a performance factor would indicate a slower ability to handle workload.)

TABLE 7  
COLLECTIVE RANKING OF JURISDICTIONS  
BY BOTH PREDICTIVE AND PERFORMANCE FACTORS\*\*  
(FISCAL 1985)

Summary of Predictive Factors by Jurisdiction*		Summary of Performance Factors by Jurisdiction*	
1. Baltimore City	( 5.75)	1. Howard County	( 5.67)
2. Anne Arundel County	( 6.5 )	2. Montgomery County	( 6.0 )
3. Prince George's County	( 7.5 )	3. Charles County	( 6.67)
4. Baltimore County	( 9.0 )	4. Anne Arundel County	( 6.67)
5. Carroll County	( 9.0 )	5. St. Mary's County	( 7.33)
6. Montgomery County	( 9.75)	6. Harford County	( 7.67)
7. Harford County	(14.5 )	7. Carroll County	( 9.0 )
8. Charles County	(14.75)	8. Prince George's County	(10.0 )
9. Calvert County	(15.5 )	9. Kent County	(10.67)
10. St. Mary's County	(15.5 )	10. Cecil County	(11.33)
11. Dorchester County	(20.5 )	11. Talbot County	(11.67)
12. Howard County	(20.5 )	12. Allegany County	(12.0 )
13. Washington County	(24.0 )	13. Calvert County	(13.0 )
14. Cecil County	(25.75)	14. Baltimore City	(13.0 )
15. Wicomico County	(25.75)	15. Garrett County	(13.33)
16. Frederick County	(28.5 )	16. Washington County	(13.67)
17. Talbot County	(28.5 )	17. Baltimore County	(14.0 )
18. Allegany County	(28.75)	18. Worcester County	(14.67)
19. Worcester County	(30.0 )	19. Frederick County	(15.0 )
20. Queen Anne's County	(32.25)	20. Caroline County	(15.67)
21. Caroline County	(36.0 )	21. Dorchester County	(15.67)
22. Somerset County	(38.5 )	22. Queen Anne's County	(19.0 )
23. Garrett County	(38.75)	23. Wicomico County	(21.0 )
24. Kent County	(39.5 )	24. Somerset County	(21.33)

\*Collective ranking determined by assigning a weight of three to filings per judge, a weight of one to population per judge, a weight of two to pending cases per judge, and a weight of one to attorney/judge ratio.

\*Collective ranking determined by assigning an equal weight (of one) to the filing to disposition times of criminal, law, equity, and juvenile cases. (Inverted ranking to show longest times.)

\*\*Lower number indicates greater need for judgeship so, for example, a number one ranking of a predictive factor would indicate a higher amount of volume whereas a number one ranking of a performance factor would indicate a slower ability to handle workload. If a jurisdiction is listed near the top of both lists, then this shows that a relatively strong need exists for a judge based on the variables considered.

TABLE 8

## PROJECTED NUMBER OF JUDGES NEEDED IN CIRCUIT COURTS

	Projected Filings 1987 <sup>a</sup>	No. of Judges	No. of Masters and Judges Cross-designated <sup>b</sup>	Adjusted Number Judicial Officers	Average Projected No. of Filings Per Judicial Officer 1987	Judicial Officers by Standard <sup>c</sup>	Addl. Judges Needed
<b>First Circuit</b>							
Dorchester	1,294	1	0	1.0	1,294	1.3	0.3
Somerset	833	1	0	1.0	833	0.8	(0.2)
Wicomico	2,606	2	0	2.0	1,303	2.6	0.6
Worcester	1,821	2	0	2.0	911	1.8	(0.2)
Circuit Total	6,554	6	0	6.0	1,092	6.5	0.5
<b>Second Circuit</b>							
Caroline	903	1	0	1.0	903	0.9	(0.1)
Cecil	2,587	2	0.2	2.2	1,176	2.6	0.4
Kent	359	1	0	1.0	359	0.4	(0.6)
Queen Anne's	1,155	1	0	1.0	1,155	1.2	0.2
Talbot	1,115	1	0	1.0	1,115	1.1	0.1
Circuit Total	6,119	6	0.2	6.2	987	6.2	0.0
<b>Third Circuit</b>							
Baltimore	20,798	13	2.5	15.5	1,341	15.9	0.4
Harford	5,155	4	0.6	4.6	1,120	4.7	0.1
Circuit Total	25,953	17	3.1	20.1	1,291	20.6	0.5
<b>Fourth Circuit</b>							
Allegany	1,404	2	0	2.0	702	1.4	(0.6)
Garrett	737	1	0	1.0	737	0.7	(0.3)
Washington	3,365	3	0	3.0	1,122	3.4	0.4
Circuit Total	5,506	6	0	6.0	918	5.5	(0.5)
<b>Fifth Circuit</b>							
Anne Arundel	14,036	9	2.0	11.0	1,276	11.6	0.6
Carroll	3,545	2	0.6	2.6	1,363	3.5	0.9
Howard	4,510	4	1.0	5.0	902	4.1	(0.9)
Circuit Total	22,091	15	3.6	18.6	1,389	19.2	0.6
<b>Sixth Circuit</b>							
Frederick	2,645	3	0	3.0	882	2.6	(0.4)
Montgomery	19,101	13	4	17.0	1,123	14.7	(2.3)
Circuit Total	21,746	16	4	20.0	1,087	17.3	(2.7)
<b>Seventh Circuit</b>							
Calvert	1,448	1	0	1.0	1,448	1.4	0.4
Charles	3,213	2	0	2.0	1,607	3.2	1.2
Prince George's	30,427	16	5.0	21.0	1,448	21.7	0.7
St. Mary's	1,512	1	0.2	1.2	1,260	1.5	0.3
Circuit Total	36,600	20	5.2	25.2	1,452	27.8	2.6
<b>Eighth Circuit</b>							
Baltimore City	48,285	23	11.7	34.7	1,391	34.5	(0.2)

<sup>a</sup>Both Harford and Montgomery Counties have no Orphans' Court and disposition of these matters is handled directly by the Circuit Court judges. Approximately 15 hearings were added to Harford County's projection and 150 hearings to Montgomery County's projection for Fiscal 1987.

<sup>b</sup>Juvenile masters in some jurisdictions here only considered a percentage of a judicial officer because of the number of filings handled yearly by these individuals. Also, in Cecil and Wicomico Counties, District Court judges are a cross-designated to hear juvenile matters in the circuit court. This amounts to about one day a week or 0.2 of a judge. (Note: In Wicomico County, when the District Court judge sits in juvenile court, the circuit court judge sits in the District Court. Therefore, no adjustments in the total number of judicial officers are needed.) Judgeship count for Baltimore City includes one District Court judge who is assigned to the Circuit Court of Baltimore City on an annual basis for about 8-1/2 months. This amounts to about .7 of additional judicial assistance yearly.

<sup>c</sup>The scale utilized for this column in Fiscal 1987 is as follows: 1000 filings - 1 to 3 judicial officers; 1100 filings - 4 to 8 judicial officers; 1200 filings - 9 to 14 judicial officers; 1300 filings - 15 to 19 judicial officers; 1400 filings - 20 or more judicial officers.

<sup>d</sup>A need for additional judgeships is shown by a number without parentheses, whereas, a surplus in judgeships is shown by a number in parentheses.





# The Circuit Court for Wicomico County

FIRST JUDICIAL CIRCUIT OF MARYLAND

SALISBURY, MARYLAND 21801

TELEPHONE (301) 742-3533

RICHARD M. POLLITT  
CHIEF JUDGE  
P. O. BOX 806

November 14, 1985

James H. Norris, Jr., Esq.  
State Court Administrator  
Administrative Office of the Courts  
Courts of Appeal Building  
P.O. Box 431  
Annapolis, MD 21404

Dear Jim:

I have reviewed the statistical needs analysis for additional circuit court judges in Fiscal 1987. I agree with the analysis that Wicomico County is on the verge of needing an additional judge in the near future. As you know, two of the more important considerations in any decision are the availability of physical facilities and local fiscal support. Unfortunately, the Wicomico County Council has not seen fit to recognize the urgency of our needs and I have very little hope of any action by that body in the near future to even provide adequate facilities for the existing judges, much less accommodations for an additional judge. The latest capital improvement program for the county shows an item entitled "courthouse renovation" in fiscal 1989. By that time I expect I will either drown from leaking plumbing, roast or freeze from the lack of proper heat, or be eaten alive by cockroaches. I am seriously considering a petition for a writ of mandamus to explain to the Council the distinction between things they are required to provide by the Constitution of Maryland and the laws of this State, and things they are allowed to provide by the laws of the State. In short, I cannot ask for an additional judge at this time because we have no physical facilities for one.

On a brighter note, I am happy to see that our "performance factors" are among the best in the State. In the time between filing and disposition of cases in fiscal 1985, Wicomico County ranked first in criminal cases, tied for first in juvenile cases, and fifth in civil cases. This is due in large measure to the dedicated service of an extremely efficient Assignment Commissioner. The other Counties in the First Circuit also enjoy relatively good standings in performance factors as compared with predictive factors. We have been able to accomplish this through the use of extensive intra-circuit assignments and the excellent cooperation of the judges of the

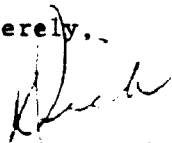
James H. Norris, Jr., Esq.  
November 14, 1985  
Page Two

District Court, with whom we are all cross-designated. Although Dorchester County is rapidly approaching a caseload exceeding that which can be properly handled by a single judge, we think we can hold out a while longer.

In summary, we shall not be asking for an additional judge in fiscal 1987.

With best personal regards,

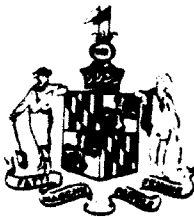
Sincerely..



Richard M. Pollitt  
Administrative Judge

RMP:kad

cc: Honorable Robert C. Murphy, Chief Judge  
Members of the Wicomico County Council



*The Second Judicial Circuit of Maryland*

CIRCUIT COURT FOR KENT COUNTY

GEORGE B. RASIN, JR.  
CHIEF JUDGE  
CIRCUIT ADMINISTRATIVE JUDGE

COURT HOUSE  
CHESTERTOWN, MARYLAND 21620  
301-778-4800/2488

November 7, 1985

James H. Norris, Jr., Esquire  
State Court Administrator  
Administrative Office of the Courts  
Courts of Appeal Building  
361 Rowe Boulevard  
Post Office Box 431  
Annapolis  
Maryland  
21404

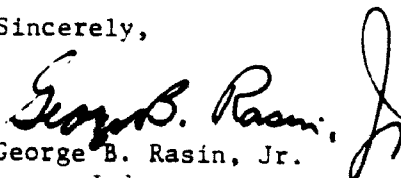
Dear Jim:

Reference is made to your memorandum of November 4, 1985, requesting a response to the needs for new judgeships in the Second Judicial Circuit.

As the Administrative Office and Chief Judge Murphy have been advised in previous years, the Second Judicial Circuit is not in need of additional judges at this time. As has been suggested in the past, at some point Cecil County's needs will have to be addressed. The other four counties of the Circuit provide some assistance to Cecil County. However, it must be kept in mind that Easton is approximately seventy miles from Elkton and Denton is just slightly closer. Therefore, it is not realistic to expect judges from the lower portion of the Circuit to give too much coverage to Cecil County.

With kindest personal regards,

Sincerely,

  
George B. Rasin, Jr.  
Judge

GBR./pab

cc: The Honorable Robert C. Murphy, Chief Judge  
Court of Appeals of Maryland



The Circuit Court for Baltimore County

THIRD JUDICIAL CIRCUIT OF MARYLAND

FRANK E. CICONE  
ADMINISTRATIVE JUDGE

December 2, 1985

COUNTY COURTS BUILDING  
TOWSON, MARYLAND 21204  
(301) 494-2500

Honorable Robert C. Murphy  
Chief Judge  
Court of Appeals  
County Courts Building  
401 Bosley Avenue  
Towson, Maryland 21204

RE: Statistical Analysis  
Fiscal 1987

Dear Judge Murphy:

By letter of November 4, 1985, James H. Norris, Jr., Esquire, State Court Administrator, has advised of your solicitation of comment concerning his statistical analysis reflecting the need for judgeships across the State, and more particularly, within the two counties which comprise the Third Judicial Circuit, i.e., Baltimore and Harford.

Let me offer my conclusions first as briefly and directly as possible and then discuss the situation with you. I am not requesting an expansion of our judicial personnel during Fiscal 1987.

The fact that I have the luxury of being able to take this position can be attributed to our dedicated and hard-working Bench, coupled with our highly developed assignment system and our extremely successful "settlement conference" program. Consequently, despite the onslaught of judicial work, we anticipate being able to survive for the time being and to continue to dispose of cases with reasonable dispatch.

In that regard, I would invite attention to the Statistical Analysis which reveals that the Baltimore County Court is disposing of its cases within a reasonable time. In Fiscal 1985 criminal cases were tried within 90 days of filing; civil cases within 261 days; and juvenile cases within 43 days.

Honorable Robert C. Murphy

page two

By this memorandum, I want to go on record, however, to say that I am thoroughly convinced, and my thinking is supported by the data, that in the not too distant future it will be mandatory to request an increase in our judiciary. As the report indicates, we are being slowly inundated.

The statistics indicate the need of an 0.5 percent increase in judicial personnel in the Third Circuit; 0.4 percent in Baltimore County and 0.1 percent in Harford County. Baltimore County's caseload climbed from 18,352 in Fiscal 1984 to 20,176 in Fiscal 1985, an increase of 9.9 percent, while in Harford County the increase of filings was approximately 8.4 percent. The analysis anticipates that these two courts will report as many as 25,938 filings in Fiscal 1987. We also must take into consideration the population increase in Baltimore County and Harford County.

I would be remiss if I failed to remind you of the myriad of asbestos cases pending in our court, and the almost epidemic increase of District Court cases which we are and have been trying.

In conclusion, permit me to reiterate, as the Circuit Administrative Judge, I am not presently asking for an additional judgeship in the Third Judicial Circuit for Fiscal 1987, but I anticipate it will be mandatory for me to do so in Fiscal 1988.

Very truly yours,



Frank E. Cicone

FEC:ems

cc: James H. Norris, Jr., Esquire  
State Court Administrator



FRED C. WRIGHT III  
ASSOCIATE JUDGE  
FOURTH JUDICIAL CIRCUIT  
OF MARYLAND

COURT HOUSE  
HAGERSTOWN, MD. 21740  
TELEPHONE (301) 791-3111

November 5, 1985


Mr. James H. Norris, Jr.  
State Court Administrator  
Administrative Office of the Courts  
Courts of Appeal Bldg.  
Annapolis, MD 21401

RE: Statistical Needs Analysis for New Judgeships  
in the Circuit Courts - 1986 Session (Fiscal 1987)

Dear Mr. Norris:

There is no need for additional Circuit Court judges in the Fourth Judicial Circuit within the near future.

Very truly yours,

  
Fred C. Wright, III  
Administrative Judge

FCW/ech

STATE OF MARYLAND  
FIFTH JUDICIAL CIRCUIT  
ANNE ARUNDEL COUNTY COURTHOUSE  
ANNAPOLIS  
21401

RAYMOND G. THIEME, JR.  
CIRCUIT ADMINISTRATIVE JUDGE

December 18, 1985

TELEPHONE (301) 224-1290

The Honorable Robert C. Murphy  
Chief Judge  
Court of Appeals of Maryland  
Courts of Appeal Building  
Rowe Boulevard  
Annapolis, Maryland 21401

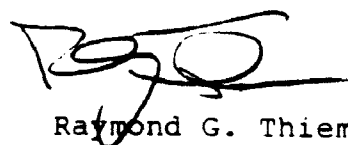
Re: Carroll County Judgeship

Dear Bob:

I support Carroll County's request for an additional judgeship and ask that appropriate legislation be introduced to achieve this goal.

I am informed that you have already received the recommendation of the Carroll County Bar Association supporting the additional judgeship. Judge Gilmore has advised me that the County Commissioners appropriated sufficient funds for a permanent courtroom. The additional third courtroom is only a temporary measure.

Sincerely,

  
Raymond G. Thieme, Jr.

RGT:pjr

cc: The Honorable Donald J. Gilmore

Note: Judge Gilmore advised that the County Commissioners appropriated \$25,000 for planning a permanent third courtroom.

# THE BAR ASSOCIATION OF CARROLL COUNTY

WESTMINSTER, MARYLAND

December 5, 1985

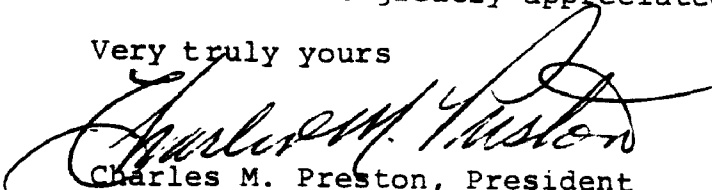
Honorable Robert C. Murphy  
Chief Judge of the Court of Appeals  
Courts of Appeal Building  
361 Rowe Boulevard  
Annapolis, Maryland 21401

Dear Judge Murphy:

I enclose herewith for your consideration a recent resolution passed by the Bar Association of Carroll County regarding the need for a third circuit level judgeship in Carroll County.

Your consideration of the Bar Association's position on this matter is greatly appreciated.

Very truly yours



Charles M. Preston, President  
Carroll County Bar Association

cc: Honorable Donald J. Gilmore

Enc.



# THE BAR ASSOCIATION OF CARROLL COUNTY

WESTMINSTER, MARYLAND

## RESOLUTION

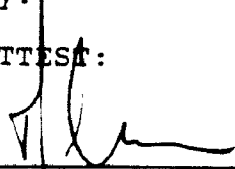
I, Robert H. Lennon, undersigned, Secretary of the Bar Association of Carroll County, do hereby certify and attest that the following is a true and correct copy of the resolution unanimously passed by the general membership of the Bar Association of Carroll County at its regular quarterly meeting on December 2, 1985, at the Courthouse Annex at Westminster, Maryland:

"WHEREAS, timely written notice was given to the membership advising that the question of a third circuit judgeship would be addressed at the December 2, 1985, meeting, and

"WHEREAS, after some discussion, it was moved and seconded that the following be resolved, and vote being unanimous,

"NOW THEREFORE, be it RESOLVED, that the Bar Association of Carroll County favors the creation of a third circuit court level judgeship in Carroll County."

ATTEST:

  
\_\_\_\_\_  
ROBERT H. LENNON, Secretary  
Bar Association of Carroll County

SIXTH JUDICIAL CIRCUIT  
OF MARYLAND  
ROCKVILLE, MARYLAND 20850

DAVID L. CAHOON  
CHIEF JUDGE

December 6, 1985

(301) 251-7218

Honorable Robert C. Murphy  
Chief Judge  
Court of Appeals of Maryland  
County Courts Building  
401 Bosley Avenue  
Towson, Maryland 21204

RE: Sixth Circuit Additional  
Judgeship Needs

Dear Judge Murphy:

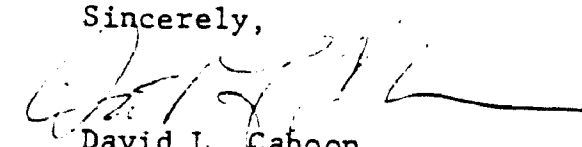
In response to your solicitation of need for additional judge requests for the 1986 Session (Fiscal 1987) I have reviewed the Statistical Needs Analysis and related factors and conclude that no request should be made for the Sixth Circuit in that Session.

In Frederick County we are in the first full year of an additional judge position and, while filings are persistently increasing, neither the predictive or performance factors suggest a need.

In Montgomery County our currently authorized complement of judges is unfilled through a delay in the appointment process. Under those circumstances I am persuaded that it would be a futile waste of time and energy to attempt to convince the General Assembly of any additional need.

I do want to note for you that our filings, both criminal and civil, continue to accelerate. We retain a high ranking of need in both predictive and performance factors. The latest population count for this county shows a growth rate substantially greater during the 1980s than occurred during the 1970s. I am advised that it is significantly higher than any other urban or suburban area of the state. Thus the prudence in deferring a request may impair our continued progress in reducing litigation delay.

Sincerely,



David L. Cahoon  
Circuit and Administrative Judge

DLC:e

# Seventh Judicial Circuit of Maryland

COURT HOUSE

UPPER MARLBORO, MARYLAND 20772

ERNEST A. LOVELESS, JR.  
CHIEF JUDGE  
CIRCUIT ADMINISTRATIVE JUDGE

(301) 952-4093

December 6, 1985

Mr. James H. Norris, Jr.  
State Court Administrator  
Courts of Appeal Building  
Annapolis, Maryland 21401

Dear Jim:

Reference is made to your memorandum dated November 4, 1985 and the "Statistical Needs Analysis for New Judgeships in the Circuit Court - 1986 Session (Fiscal 1987)".

After reviewing the Statistical Analysis attachment to the above mentioned memorandum showing a need for 2.6 judges, and after consultation with other judicial members of the Circuit, we concur in principle that the need for additional judges exists in the Seventh Circuit. However, our survey of the Seventh Judicial Circuit shows the following:

In Calvert County, Judge Bowen feels there is no need for an additional judge at this time in FY-87.

In St. Mary's County, Judge Mattingly feels there is no need for an additional judge at this time in FY-87. However, he does feel that assistance from other judges, at least four or five days a month is appropriate.

In Charles County, Judge Bowling agrees that there is a great need for an additional judge which you have already identified in your analysis this year as well as the past two years. Judge Bowling reports that space is available and the County Government and Bar Association are receptive to the appointment of an additional judge.

We note that your report recognizes that Charles County will have a population increase to 90,100 in FY-87. However, our local Court Administrator feels that the population projections for Charles County are open to argument because not enough emphasis has been placed upon the future growth projections of St. Charles City. In addition, a new 1.1 million square foot regional shopping mall in

James H. Norris, Jr.  
December 6, 1985  
Page No. 2

St. Charles will have five major department stores and 120 smaller stores. This then will not only further increase the population but will bring hundreds of thousands of shoppers and its problems, which will ultimately affect case filings. (see attachment)

Presently, I believe that the appointment of one additional judge to Charles County will take care of their immediate need which you have already identified and which we have elaborated on.

In Prince George's County, Judge McCullough believes there is a consistent pattern of needing increased judicial strength. However, he is willing to forgo a request for FY-87 so a closer examination can be made of the success of our new case management system through the Court's newly acquired Assignment Office.

Finally, given the totality of our needs within the Seventh Judicial Circuit, we formally request one additional Judge for Charles County.

Should you have any questions regarding this, I would be pleased to hear from you.

On a more personal note, I wish you and your staff a happy holiday season.

Sincerely,



Ernest A. Loveless, Jr.

EAL/jt

Attachment

cc: Judge Bowen  
Judge McCullough  
Judge Mattingly  
Judge Bowling  
Robert W. McCarthy, Jr.

VOL. 113 NO. 94

# Mall deal final

By Kevin Conron  
Staff Reporter

WALDORF —The final papers for the 1.1 million square-foot regional mall in St. Charles were signed last Tuesday, after a month of negotiations between St. Charles Associates and the mall developer, Melvin Simon & Co.

Charles Stuart, president of SCA, said in a phone interview Monday, "We're very gratified with the presence of Melvin Simon in Charles County. We just think it's very exciting news."

Officials of Simon & Co. did not return phone calls placed Monday and Tuesday.

Sources in the past have said that once the papers were completed, Simon & Co. would start work immediately on a separate 400,000 square-foot community shopping center in Westlake Village.

The shopping center, to be anchored by a Bradlees department store, is expected to be open by October 1986.

Simon reportedly has commitments from four major department stores for the enclosed regional mall: Hecht's, Montgomery Ward, J.C. Penney and Sears Roebuck & Co. A fifth store is to be added later. Plans also include building 120 smaller stores.

Construction on the mall is expected to start next spring with an opening date by fall of 1987.

The mall, with an estimated construction cost of \$125 million, will be built on 125 acres in St. Charles that fronts U.S. 301 between Smallwood and St. Patrick's drives.

**Circuit Court  
for  
Baltimore City**

111 NORTH CALVERT STREET  
BALTIMORE, MARYLAND 21202

JOSEPH H. H. KAPLAN  
ADMINISTRATIVE JUDGE

December 3, 1985

396-5080  
City Deaf TTY 396-4930

Honorable Robert C. Murphy  
Chief Judge  
Court of Appeals of Maryland  
County Courts Building  
401 Bosley Avenue  
Towson, MD 21204

Dear Bob:

I have carefully studied the statistics distributed by Jim Norris relating to the need for new circuit court judgeships. While the productivity figures for Baltimore City appear accurate, I am concerned that any conclusion drawn therefrom may not wholly reflect our needs. For example, the data indicates that we are slightly overstaffed by 0.2 of a judge. This is despite the fact that Baltimore has the greatest number of filings per judge (2,049) and the largest number of pending cases per judge (3,247).

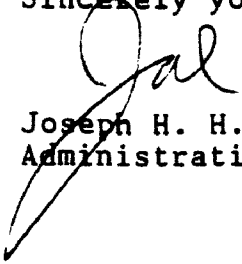
Ironically, our statistical overstaffing seems to result from our own high productivity. Despite our heavy caseload, Baltimore ranks first in ability to terminate cases as measured by the average time between filing and disposition. It appears that productivity has moved Baltimore down the statistical ladder of those seeking additional judges.

More importantly, I am concerned that a mathematical formula, such as the one that has been used to determine resource allocation, cannot, by its own terms, take into consideration the fact that the heroic measures which you and we have taken to avert disaster cannot continue indefinitely. Your kindness in supplying various outside judicial resources, though invaluable and much appreciated, is only a temporary palliative for our persistent and burgeoning caseload problem.

Honorable Robert C. Murphy  
December 3, 1985  
page 2

It is planned that in the near future additional courtroom and chambers space will be available in Courthouse East. To obtain at least one additional judge on a permanent basis would be of real assistance to us.

Sincerely yours,



Joseph H. H. Kaplan  
Administrative Judge

JHHK/kah



**DISTRICT COURT OF MARYLAND**

**ROBERT F. SWEENEY**  
Chief Judge

Courts of Appeal Building  
Annapolis, Maryland 21401  
Phone: 266-2412

December 19, 1985

The Honorable Robert C. Murphy  
Chief Judge, Court of Appeals of Maryland  
County Courts Building, Fifth Floor  
401 Bosley Avenue  
Towson, Maryland 21204

Dear Judge Murphy:

In accordance with your request, I am herewith submitting my views as to the need for newly created judgeships for the District Court for the Fiscal Year beginning July 1, 1986.

Based on my conversations with our administrative judges, and my own evaluation of our dockets and judicial workloads throughout the state, I am satisfied that there is a pressing need for the creation of only one additional judgeship, in Montgomery County. I am also satisfied that we may be approaching the point in Charles County and in Wicomico County where serious thought must be given to new judgeships, but I believe that we can safely wait for at least another year before requesting assistance in those latter counties.

In Montgomery County our situation can best be described as acute. The following brief statistical analysis, I believe, adequately addresses our situation in that county. In Fiscal Year 1981 our total caseload in motor vehicle, criminal, and civil cases in Montgomery was 153,000 cases - of which 32,000 cases were actually tried by the seven judges who sat in the adult courts in that county. In the fiscal year just concluded, there were 196,000 cases, of which 40,000 cases were actually tried by our present complement of the eight judges in our adult courts.



The Honorable Robert C. Murphy  
Page Two  
December 19, 1985

The major part of this increase in filings has occurred in the motor vehicle area, there having been 100,708 motor vehicle citations filed in the court in Fiscal Year 1981 and 133,066 such cases filed in Fiscal Year 1985. Most troublesome to me is the fact that these motor vehicle statistics include almost a 100% increase in driving-while-intoxicated cases. We have kept a separate category of statistics of these cases for only the past four years, but in that short time span the number of driving-while-intoxicated cases in Montgomery County has increased from 3,071 in FY 1982 to 5,364 in fiscal 1985. These cases, as you well know, are among the most difficult and time consuming of all cases within our jurisdiction, and the burdens on the court arising from this staggering increase in DWI cases are much more difficult than would be a similar increase in any other type of case within our jurisdiction.

In the civil area, total filings in fiscal 1981 were 40,853, and in the ensuing years that number has increased by almost 30%, to a total of 53,321 for fiscal 1985.

In the criminal area there has been a slight decline in cases filed - 11,717 having been filed in fiscal 1981 and 9,519 filings in fiscal 1985. This decrease, however, is in no way sufficient to offset the far larger increase in our motor vehicle, driving-while-intoxicated, and civil filings.

As I have previously advised you, I have long had concerns about the elapsed time from infraction to trial for routine motor vehicle cases in Montgomery County. We have concentrated our efforts on attempting to schedule the DWI cases for trial promptly, but the inevitable and unfortunate result has been a substantial backlog in scheduling the nonjailable cases for trial. In some instances a full year elapses before a speeding ticket appears on our docket for the first time.

Since June 1 of this year, we have assigned judges from other districts to Montgomery County on almost a permanent basis, in a concentrated effort to eat into the backlog. Unfortunately, although these assignments have slightly reduced the waiting time for trial, they have not made a substantial impact. Additionally, the assignment of those judges, who have come primarily from Baltimore City and Prince George's County, threatens to impede our efforts to remain current with our dockets in those jurisdictions.

The Honorable Robert C. Murphy  
Page Three  
December 19, 1985

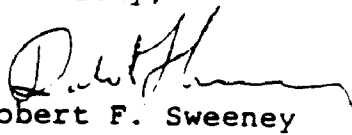
You will recall that in 1983 we added a District Court judge to our Montgomery County complement. Notwithstanding that addition, and notwithstanding the strenuous efforts of all of the judges in that district, our docketing problems worsen because the case-load continues to increase.

I can assure you that the judges in Montgomery County are working to the absolute maximum of their capabilities and endurance. For example, our bench time figures for the month of October, the most recent available, reveal that the judges sat in our Bethesda and Silver Spring Courts an average of 5 hours and 12 minutes per day. This is time spent on the bench, and is exclusive of necessary chambers time. The judges at our Firstfield location averaged 4 hours and 34 minutes per day on the bench, again, exclusive of chambers time. These bench time figures continue to show an increase from month-to-month. As you will readily understand, with an average such as this, a 6-hour, 7-hour, or even 8-hour day spent on the bench is no longer extraordinary. Court days of such extreme duration do more than tax the endurance of the judge; they constitute a serious imposition on the citizens, the Bar, police officers, and court employees, some of whom, obviously, must be in court for that same length of time.

For all of the above reasons, I am persuaded that there is an immediate and imperative need for the creation of an additional judgeship in Montgomery County, and I ask that you so certify to the President of the Senate and the Speaker of the House of Delegates.

Thank you for your consideration of this request.

Sincerely,

  
Robert F. Sweeney

RFS:bj

P. S. All pertinent statistical data is attached hereto.

bc: Hon. Thomas A. Lohm w/encs.  
James H. Norris, Jr. w/encs.  
Margaret Kostritsky w/encs.

**TABLE DC-2**  
**FIVE-YEAR COMPARATIVE TABLE**  
**MOTOR VEHICLE AND CRIMINAL CASES PROCESSED**  
**AND CIVIL CASES FILED IN THE DISTRICT COURT**  
**FISCAL 1981-FISCAL 1985**

	1980-81 <sup>a,b</sup>	1981-82	1982-83	1983-84	1984-85 <sup>c</sup>
<b>DISTRICT 1</b>					
Baltimore City	282,352	293,947	317,645	317,274	330,841
<b>DISTRICT 2</b>					
Dorchester	8,006	6,816	6,853	8,324	9,257
Somerset	6,347	6,623	6,381	6,114	6,026
Wicomico	22,289	21,562	24,590	25,122	25,060
Worcester	18,360	14,959	16,528	16,716	16,790
<b>DISTRICT 3</b>					
Caroline	4,763	4,663	4,353	5,298	9,053
Cecil	28,716	25,115	30,882	28,145	33,197
Kent	3,860	4,450	4,089	4,046	4,938
Queen Anne's	7,162	8,022	9,097	8,145	7,667
Talbot	7,993	7,796	8,978	8,171	9,988
<b>DISTRICT 4</b>					
Calvert	7,631	8,340	10,452	10,339	9,438
Charles	13,724	14,475	13,986	17,782	16,406
St. Mary's	9,303	10,020	9,974	8,675	11,251
<b>DISTRICT 5</b>					
Prince George's	250,362	248,058	279,523	260,429	246,377
<b>DISTRICT 6</b>					
Montgomery	153,278	169,797	178,752	174,031	195,906
<b>DISTRICT 7</b>					
Anne Arundel	76,466	79,610	77,230	87,925	97,685
<b>DISTRICT 8</b>					
Baltimore	215,654	190,002	194,513	203,471	226,227
<b>DISTRICT 9</b>					
Harford	34,338	34,199	37,735	38,235	38,954
<b>DISTRICT 10</b>					
Carroll	12,588	12,127	15,215	14,542	18,387
Howard	39,332	44,572	48,645	46,960	46,120
<b>DISTRICT 11</b>					
Frederick	30,426	30,248	32,432	33,508	36,787
Washington	26,558	26,776	27,473	26,695	29,181
<b>DISTRICT 12</b>					
Allegany	13,225	14,022	13,998	13,440	14,027
Garrett	5,067	4,935	5,568	6,219	8,086
<b>STATE</b>	<b>1,275,800</b>	<b>1,281,128</b>	<b>1,374,690</b>	<b>1,369,606</b>	<b>1,447,449</b>

<sup>a</sup> Criminal figures are not available for the months of July and August 1980 for all jurisdictions and for Baltimore City for September 1980 as well. Above statistics have been adjusted by District Court personnel to reflect comparable annual totals.

<sup>b</sup> These figures have been adjusted and are not consistent with previous 1980-81 figures.

<sup>c</sup> The civil rules changes effective July 1, 1984, resulted in the change in the method of compiling the number to be included as "other filings," beginning with FY 1985. The attachments before judgment, confessed judgments, and replevin actions are reported as "other filings." However, supplementary proceedings are no longer included.

**TABLE DC-5**  
**FIVE-YEAR COMPARATIVE TABLE**  
**MOTOR VEHICLE CASES**  
**PROCESSED BY THE DISTRICT COURT**  
**FISCAL 1981-FISCAL 1985**

	1980-81 <sup>a</sup>	1981-82	1982-83	1983-84	1984-85
<b>DISTRICT 1</b>					
Baltimore City	81.184	80.931	71.395	61.421	85.938
<b>DISTRICT 2</b>					
Dorchester	4.863	3.790	3.804	5.748	8.367
Somerset	4.715	5.298	5.198	5.011	4.804
Wicomico	18.453	15.798	18.000	18.990	17.490
Worcester	14.854	11.217	13.205	13.028	12.388
<b>DISTRICT 3</b>					
Caroline	3.204	2.894	2.728	3.779	7.449
Cecil	23.330	21.316	27.099	23.998	28.859
Kent	2.651	3.062	2.415	2.669	3.294
Queen Anne's	5.794	6.509	7.193	6.438	6.019
Talbot	6.317	6.065	7.070	6.632	8.238
<b>DISTRICT 4</b>					
Calvert	5.662	6.103	7.746	7.929	7.110
Charles	9.397	9.395	9.841	13.251	11.668
St. Mary's	6.139	6.780	7.763	6.499	8.673
<b>DISTRICT 5</b>					
Prince George's	111.562	105.947	134.660	114.268	104.587
<b>DISTRICT 6</b>					
Montgomery	100.708	110.053	125.098	115.080	133.066
<b>DISTRICT 7</b>					
Anne Arundel	41.023	43.939	40.314	49.594	55.735
<b>DISTRICT 8</b>					
Baltimore	130.657	98.615	102.715	106.617	130.113
<b>DISTRICT 9</b>					
Harford	23.964	22.972	27.304	26.631	27.921
<b>DISTRICT 10</b>					
Carroll	8.214	7.538	8.864	9.958	13.789
Howard	29.252	33.518	40.034	35.348	32.949
<b>DISTRICT 11</b>					
Frederick	23.763	22.875	25.942	28.550	29.229
Washington	18.205	18.557	20.434	19.364	21.374
<b>DISTRICT 12</b>					
Allegany	8.984	9.874	10.668	9.960	10.738
Garrett	3.712	3.383	4.217	4.807	6.718
<b>STATE</b>	<b>664.587</b>	<b>636.427</b>	<b>725.861<sup>b</sup></b>	<b>693.570</b>	<b>754.512</b>

<sup>a</sup> These figures have been adjusted and are not consistent with previous 1980-81 figures.

<sup>b</sup> 2,156 paid cases are included in the total cases disposed: 1,429 paid cases from Dorchester and Wicomico Counties; 727 paid cases from Frederick and Washington Counties.

**TABLE DC-6**  
**FIVE-YEAR COMPARATIVE TABLE**  
**CRIMINAL CASES BY THE NUMBER OF DEFENDANTS CHARGED**  
**PROCESSED IN THE DISTRICT COURT**  
**FISCAL 1981-FISCAL 1985**

	1980-81 <sup>a</sup>	1981-82	1982-83	1983-84	1984-85
<b>DISTRICT 1</b>					
Baltimore City	46.215	47.095	50.847	48.237	48.780
<b>DISTRICT 2</b>					
Dorchester	954	913	1,027	930	1,115
Somerset	785	567	486	497	540
Wicomico	1,819	1,946	1,841	1,680	1,618
Worcester	1,801	1,828	1,631	2,036	2,206
<b>DISTRICT 3</b>					
Caroline	663	848	524	498	579
Cecil	1,645	1,948	1,737	1,694	1,790
Kent	355	463	471	355	490
Queen Anne's	425	400	556	508	544
Talbot	653	656	748	535	687
<b>DISTRICT 4</b>					
Calvert	809	858	825	783	914
Charles	2,029	2,248	1,594	1,630	1,958
St. Mary's	1,404	1,420	953	839	741
<b>DISTRICT 5</b>					
Prince George's	17,870	20,174	20,912	19,866	20,020
<b>DISTRICT 6</b>					
Montgomery	11,717	14,685	8,020	7,776	9,519
<b>DISTRICT 7</b>					
Anne Arundel	8,914	8,490	8,566	7,989	8,461
<b>DISTRICT 8</b>					
Baltimore	14,754	15,336	14,983	17,182	15,429
<b>DISTRICT 9</b>					
Harford	2,601	2,669	2,487	2,842	2,560
<b>DISTRICT 10</b>					
Carroll	1,530	1,419	1,335	1,705	1,653
Howard	3,238	3,095	2,728	2,842	3,029
<b>DISTRICT 11</b>					
Frederick	2,354	2,518	1,811	2,302	2,452
Washington	2,918	2,539	1,847	1,915	2,247
<b>DISTRICT 12</b>					
Allegany	2,731	2,578	1,899	1,723	1,737
Garrett	606	754	557	604	603
<b>STATE</b>	<b>128,990</b>	<b>135,447</b>	<b>128,185</b>	<b>126,968</b>	<b>129,654</b>

<sup>a</sup> Criminal figures are not available for the months of July and August 1980 for all jurisdictions and for Baltimore City for September 1980 as well. Above statistics have been adjusted by District Court personnel to reflect comparable annual totals.

**TABLE DC-7**  
**FIVE-YEAR COMPARATIVE TABLE**  
**CIVIL CASES**  
**FILED IN THE DISTRICT COURT**  
**FISCAL 1981-FISCAL 1985**

	1980-81	1981-82	1982-83	1983-84	1984-85 <sup>a</sup>
<b>DISTRICT 1</b> Baltimore City	174,973	185,921	195,403	207,616	215,943
<b>DISTRICT 2</b> Dorchester Somerset Wicomico Worcester	2,189 847 4,017 1,705	2,113 758 3,820 1,914	1,822 697 4,749 1,692	1,646 606 4,452 1,652	1,775 682 5,952 2,194
<b>DISTRICT 3</b> Caroline Cecil Kent Queen Anne's Talbot	896 1,541 854 943 1,023	921 1,851 925 1,113 1,075	1,101 2,046 1,203 1,348 1,158	1,021 2,453 1,022 1,199 1,004	1,025 2,548 1,154 1,104 1,065
<b>DISTRICT 4</b> Calvert Charles St. Mary's	1,160 2,298 1,760	1,379 2,832 1,820	1,881 2,551 1,258	1,627 2,901 1,337	1,414 2,780 1,837
<b>DISTRICT 5</b> Prince George's	120,930	121,937	123,951	126,295	121,770
<b>DISTRICT 6</b> Montgomery	40,853	45,059	45,634	51,175	53,321
<b>DISTRICT 7</b> Anne Arundel	26,529	27,181	28,350	30,342	33,489
<b>DISTRICT 8</b> Baltimore	70,243	76,051	76,815	79,672	80,685
<b>DISTRICT 9</b> Harford	7,773	8,558	7,944	8,762	8,473
<b>DISTRICT 10</b> Carroll Howard	2,844 6,842	3,184 7,959	3,623 7,276	2,879 8,770	2,945 10,142
<b>DISTRICT 11</b> Frederick Washington	4,309 5,435	4,855 5,680	4,679 5,192	4,656 5,416	5,106 5,560
<b>DISTRICT 12</b> Allegany Garrett	1,510 749	1,570 798	1,633 794	1,757 808	1,554 765
<b>STATE</b>	482,223	509,254	522,800	549,068	563,283

<sup>a</sup> The civil rules changes effective July 1, 1984, resulted in the change in the method of compiling the number to be included as "other filings," beginning with FY 1985. The attachments before judgment, confessed judgments, and replevin actions are reported as "other filings." However, supplementary proceedings are no longer included.

**TABLE DC-8**  
**FOUR-YEAR COMPARATIVE TABLE**  
**DRIVING WHILE INTOXICATED CASES RECEIVED BY**  
**THE DISTRICT COURT OF MARYLAND**  
**FISCAL 1982-FISCAL 1985**

	1981-82	1982-83	1983-84	1984-85
<b>DISTRICT 1</b>				
Baltimore City	2,940	3,325	3,007	3,240
<b>DISTRICT 2</b>				
Dorchester	245	311	288	290
Somerset	241	222	255	228
Wicomico	925	892	766	577
Worcester	528	698	770	772
<b>DISTRICT 3</b>				
Caroline	122	123	154	164
Cecil	674	1,169	839	813
Kent	146	93	96	139
Queen Anne's	304	346	248	282
Talbot	390	482	454	439
<b>DISTRICT 4</b>				
Calvert	475	596	623	560
Charles	701	814	528	552
St. Mary's	479	588	527	573
<b>DISTRICT 5</b>				
Prince George's	3,650	4,459	3,960	4,081
<b>DISTRICT 6</b>				
Montgomery	3,071	3,656	3,414	5,364
<b>DISTRICT 7</b>				
Anne Arundel	2,279	2,925	2,826	3,233
<b>DISTRICT 8</b>				
Baltimore	3,879	4,704	4,022	4,212
<b>DISTRICT 9</b>				
Harford	961	1,242	1,012	1,070
<b>DISTRICT 10</b>				
Carroll	608	893	775	912
Howard	1,909	1,774	2,156	1,472
<b>DISTRICT 11</b>				
Frederick	1,075	1,007	1,040	1,054
Washington	931	921	638	798
<b>DISTRICT 12</b>				
Allegany	703	801	681	485
Garrett	303	289	215	242
<b>STATE</b>	<b>27,539</b>	<b>32,330</b>	<b>29,294</b>	<b>31,552</b>